In the Drawings:

Subject to the approval of the Examiner, please substitute the enclosed set of new formal drawings (four sheets) for all the drawings originally filed in this application.

REMARKS

The Official Action of August 2, 2006 required new formal drawings; rejected Claims 1, 5–8, 10–11 and 14–18 under 35 U.S.C. 102(b); rejected Claims 2–3 and 12–13 under 35 U.S.C. 103(a); and indicated that Claims 19 and 20 contain allowable subject matter and would be allowed if suitably rewritten into independent form.

The enclosed new set of formal drawings is believed to satisfy the requirement for new formal drawings. The claims have been amended in a manner which, it is believed, clearly distinguish them over the references cited under Sections 102 and 103. The specification has been amended to conform its language to that used in the amended claims. Favorable reconsideration of the application is respectfully requested in the light of these amendments and the following remarks.

Claim 1 has been amended to define a motorized syringe for producing a controlled, slow–delivery of a fluid–like substance, including, among other features, a housing having a first section for an expansible–contractible chamber, and a second section for an electrical motor drive. Amended Claim 1 further recites that the first and second housing sections include interconnecting elements at one of their ends for detaching the housing sections from each other in a quick manner, to permit one–time use of the first housing section including the expansible–contractible chamber, and multiple–time use of the second housing section including the electrical motor therein.

The foregoing features included in amended Claim 1 are clearly not present in any of the three primary references relied upon by the Examiner in the Section 103 rejection. For this feature, the Examiner relied on Uytenbogaart US Patent 2,752,918, holding that it would have been obvious, in view of this secondary reference, to modify the primary

references to include this feature. It is submitted, however, that modifying the primary references to include the teachings of the secondary reference (1) would not have been obvious, and moreover, (2) would not have resulted in the combination of features defined in amended Claim 1.

Thus, in relying on Uytenbogaart as a secondary reference to be combined with any one of the three primary references, the Examiner refers to Column 1, lines 29–31 and Figs. 9–11. The passage of Column 1, lines 29–31, brings out that the device of that patent is a spring–activated hypodermic syringe which may be readily loaded with an ampoule filled with a proper medicament. Figs. 9–11 illustrate a construction which includes a housing cap 20, a first sleeve 23, and a second sleeve 34, all assembled together within a cap or shield 142. Such a spring–actuated device operates, in all probability, within a second or two after being released.

Kulisz et al, on the other hand, relates to a programmable infusion pump including a programmable drive which delivers a drug over a period of time "of 30 days or less" (Column 1, lines 67–68) via a catheter to be connected to a connector assembly (56). The hypodermic injection device of Uytenbogaart would hardly be considered "analogous art" to the programmable infusion pump of Kulisz et al, and therefore could hardly be considered as obvious to one skilled in the art, or motivating one skilled in the art to make the above–suggested modification of Kulisz.

The Smith patent relates to a time–released catheter–delivery system which utilizes an osmotic pump 12 for expelling the selected preparation over a period of time. Such an osmotic pump includes an inner reservoir chamber 14 for holding the preparation to be delivered via a catheter 24, and an outer chamber 16 for holding an osmotically

active agent (Column 4, lines 38–54). The spring–actuated hypodermic needle of Uytenbogaart is an entirely completely different kind of device, involving an entirely different mode of operation and producing an entirely different result, such that it could hardly be considered to be "analogous art" with respect to the device of Smith. Accordingly, the Uytenbogaart device could hardly be considered as providing a motivation to one skilled in the art to modify the Smith device in the manner suggested by the Examiner.

The Pokras patent relates to a vibrating injection device, which includes a motor for vibrating the hypodermic needle to expel the contents of the syringe through the needle. The spring–actuated device of Uytenbogaart could also hardly be considered "analogous" to the device of Pokras such as to motivate one skilled in the art to modify Pokras as suggested by the Examiner.

For the foregoing reasons, it is submitted that modifying any one of the three primary references in the manner suggested by the Examiner would not have been obvious from the secondary reference, and therefore, such a combination would not be a proper rejection under 35 U.S.C. 103.

Moreover, even if modification of the primary references were made as suggested by the Examiner in the light of the secondary reference, the result would still not include the combination of features defined in amended Claim 1. Thus, amended Claim 1 recites, in the last paragraph, that the first housing section includes the expansible–contractible chamber, and the second housing section includes the electrical motor drive. In the secondary reference (Uytenbogaart), both the capsule 42 as well as the spring 35 are enclosed within the same sleeve 34. Moreover, sleeve 34 is not attachable to or

detachable from sleeve 26 by interconnecting elements at one of their ends, but rather by the outer cap or shield 142.

For the foregoing reasons, it is submitted that amended Claim 1 is clearly allowable over the combination of references applied under 35 U.S.C. 103.

Claims 2 and 3 both depend from Claim 1, and are therefore submitted to be allowable with that claim for the same reasons, apart from the further features set forth in the respective dependent claims.

Claim 5 is drawn as a second independent claim, and recites a motorized syringe for producing a controlled slow–delivery of fluid–like substance which includes, among other features, that the housing is sized and configured for introduction into the vagina of a female, that it includes an electrical motor drive, and that the device further includes a power supply for the electrical motor housed in a separate unit attachable to an external part of the body of the female and connected to the electrical motor by an electrical conductor.

While Smith US Patent 5,562,654 includes a housing sized and configured for introduction into the vagina of a female, it includes an osmotic pump (12) within such a housing and having a self–contained drive, namely an osmotically active agent within a chamber 16 of the housing. Thus, the device of this reference includes neither an electrical motor drive, nor a power supply in a separate unit attachable to an external part of the body and connected to the electrical motor by an electrical conduction. The combination of features defined in Claim 5 is therefore clearly not present in, nor obvious from, the device described in the Smith patent.

All the other references cited by the Examiner are even more remote than the Smith patent from the combination of features defined in amended Claim 5. It is submitted, therefore, that amended Claim 5 is clearly allowable over the cited references under both 35 U.S.C. 102 and 35 U.S.C. 103.

Claims 6 and 8–15 all depend from Claim 5, and are therefore felt to be allowable with that claim for the same reasons, apart from the further features set forth in the respective dependent claims.

Claims 16–18 depend from Claim 1, and are therefore also felt to be allowable with that claim for the same reasons as set forth above with respect to Claim 1, apart from the further features added in the respective dependent claims.

Claim 19, drawn to the method, has been amended to constitute an independent claim without reference to Claim 1, and to sharply distinguish over the references cited by the Examiner, particularly the Smith patent. It is submitted, therefore, that amended Claim 19 is also allowable.

Claim 20 has been cancelled, and Claims 21 and 22 are newly presented. Claim 21 depends from Claim 19 and is restricted to a method of intra–uterine insemination, whereas Claim 22 restricts the method of Claim 19 to a device wherein the power supply and control for the electrical motor in the syringe is contained within a separate unit attached to an external part of the subject's body and connected to the syringe by an electrical conductor.

The specification has been amended merely to conform the introductory portion to the language now used in the amended claims.

It is believed that this application is now in condition for allowance, and an early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

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Encl.:
Petition for Extension of Time
Formal Drawings Transmittal Sheet
Set of Formal Drawings (4 sheets)